

ORIGINAL



0000084434

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

APR 29 2008

2008 APR 29 P 1:20

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

MA

COMMISSIONERS

MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE APPLICATION
OF DEL RIO WATER COMPANY, LLC FOR
A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER
SERVICE IN YAVAPAI COUNTY,
ARIZONA.

DOCKET NO. W-04074A-08-0094

PROCEDURAL ORDER

BY THE COMMISSION:

On February 15, 2008, Del Rio Water Company, LLC ("Del Rio" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide water service to approximately 3,000 acres in the Town of Chino Valley in Yavapai County, Arizona.

On February 25, 2008, Del Rio docketed Proof of Notice of the Application.

On March 5, 2008, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter indicating that the application had not met the sufficiency requirements of the Arizona Administrative Code ("A.A.C.").

On March 21, 2008, Del Rio docketed additional information in support of its application.

On April 15, 2008, Del Rio filed supplemental information on its application.

On April 21, 2008, Staff filed a Sufficiency Letter in this docket.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **June 9, 2008, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
 2 105, except that all Motions to Intervene must be filed on or before **May 30, 2008**.

3 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no
 4 later than **June 6, 2008**.

5 IT IS FURTHER ORDERED that Del Rio shall provide public notice of the hearing in this
 6 matter, in the following form and style, with the heading no less than 10 point bold type and the body
 7 no less than 10 point regular type:

8 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF DEL RIO**
 9 **WATER COMPANY, LLC FOR A CERTIFICATE OF CONVENIENCE AND**
 10 **NECESSITY TO PROVIDE WATER SERVICE IN YAVAPAI COUNTY, ARIZONA.**
(Docket No. W-04074A-08-0094)

11 On February 15, 2008, Del Rio Water Company, LLC ("Del Rio" or "Applicant")
 12 filed with the Arizona Corporation Commission ("Commission") an application for a
 13 Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide
 14 domestic water service. The Commission's Utilities Division ("Staff") has not yet
 15 made a recommendation regarding Del Rio's application, and the Commission is not
 16 bound by the proposals made by Del Rio, Staff, or any intervenors. The Commission
 17 will issue a decision regarding Del Rio's application following consideration of
 18 testimony and evidence presented at an evidentiary hearing. Copies of the application
 19 are available at Del Rio's offices [insert address] and the Commission's offices at
 20 1200 West Washington, Phoenix, Arizona, for public inspection during regular
 21 business hours and on the internet via the Commission website (www.azcc.gov) using
 the e-docket function.

22 The Commission will hold a hearing on this matter beginning **June 9, 2008, at 10:00**
 23 **a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public
 24 comments will be taken on the first day of the hearing. Written public comments may
 25 be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for
 26 instructions), or by mailing a letter referencing Docket Number W-0407a-08-0094 to:
 27 Arizona Corporation Commission, Consumer Services Section, 1200 West
 28 Washington, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate
 circumstances, interested parties may intervene. Any person or entity entitled by law
 to intervene and having a direct and substantial interest in the matter will be permitted
 to intervene. If you would like to intervene, you must file a written motion to
 intervene with the Commission, and you must send copies of the motion to the
 Company or its counsel, and to all parties of record in the case. Your motion to
 intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and
 telephone number of any party upon whom documents are to be served in your
 place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the
 Company, a shareholder of the Company, etc.); and

- 1 3. A statement certifying that a copy of your motion to intervene has been mailed
2 to the Company or its counsel and to all parties of record in the case.

3 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
4 that all motions to intervene must be filed on or before May 30, 2008. The granting of
5 intervention, among other things, entitles a party to present sworn evidence at hearing
6 and to cross-examine other witnesses. However, failure to intervene will not preclude
7 any person or entity from appearing at the hearing and making a statement on their
8 own behalf.

9 If you have any questions about this application, you may contact Del Rio at [**insert**
10 **telephone number**]. If you wish to file written comments on the application or want
11 further information on intervention you may contact the Consumer Services Section of
12 the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-222-
13 7000.

14 The Commission does not discriminate on the basis of disability in admission to its
15 public meetings. Persons with a disability may request a reasonable accommodation
16 such as a sign language interpreter, as well as request this document in an alternative
17 format, by contacting the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov,
18 voice phone number 602/542-3931. Requests should be made as early as possible to
19 allow time to arrange the accommodation.

20 IT IS FURTHER ORDERED that Del Rio shall **mail to each property owner or property**
21 **owner representative** in the requested area a copy of the above notice and shall cause the above
22 notice to be **published in a newspaper of general circulation** in its service territory, with
23 publication and mailing to be completed no later than **May 19, 2008.**

24 IT IS FURTHER ORDERED that the Applicant shall **file certification of mailing and**
25 **publication** as soon as practicable after the mailing/publication has been completed, but not later
26 than **June 2, 2008.**

27 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
28 publication of same, notwithstanding the failure of an individual property owner to read or receive
29 the notice.

30 IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or before **May 20, 2008.**

31 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or
32 before **June 6, 2008.**

33 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
34 Communications) continues to apply to this proceeding as the matter is set for public hearing.

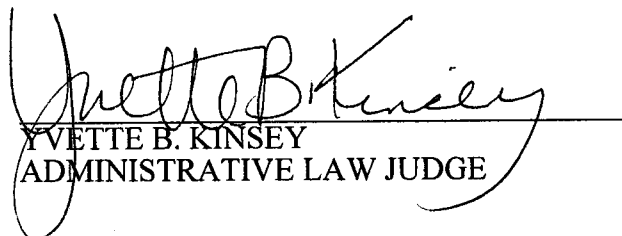
35 ...

1 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
 2 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
 3 *hac vice*.

4 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
 5 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
 6 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
 7 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
 8 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
 9 the Administrative Law Judge or the Commission.

10 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
 11 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
 12 hearing.

13 Dated this 29th day of April, 2008.

14
 15
 16
 17
 18
 19

 YVETTE B. KINSEY
 ADMINISTRATIVE LAW JUDGE

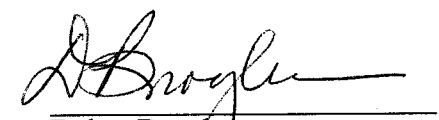
20 Copies of the foregoing mailed/delivered
 21 this 29th day of April, 2008 to:

22 Jeffrey C. Zimmerman
 23 MOYES STOREY, LTD
 24 1850 North Central Avenue, Suite 1100
 25 Phoenix, AZ 85004
 26 Attorneys for Del Rio Water Company, LLC

ARIZONA REPORTING SERVICE, INC.
 2200 North Central Avenue, Suite 502
 Phoenix, AZ 85004

27 Christopher Kempley, Chief Counsel
 28 Legal Division
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, AZ 85007

Ernest G. Johnson, Director
 Utilities Division
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, AZ 85007

By: 
 Debra Broyles
 Secretary to Yvette B. Kinsey